Before the
Federal Communications Commission
Washington, D.C. 20554

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Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010	)	CG Docket No. 10-213
	)	
Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities	)	

COALITION OF E-READER MANUFACTURERS REPORT

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To: Chief, Consumer and Government Affairs Bureau

REPORT

I. INTRODUCTION AND SUMMARY

In accordance with the Consumer and Government Affairs Bureau's ("Bureau") *Order* granting an indefinite extension of the waiver from the Federal Communications Commission's ("FCC" or "Commission") advanced communications services ("ACS") accessibility rules, the Coalition of E-Reader Manufacturers[1] ("Coalition") submits this report.[2] When the Bureau

[1] The Coalition of E-Reader Manufacturers currently consists of Amazon.com and Rakuten Kobo Inc., and previously included Sony Electronics Inc.

[2] *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Order, 31 FCC Rcd 858 (2016) ("2016 Order"). On February 1, 2019, the Coalition requested an extension of time to file the required report, which would have been due on February 8, 2019 due to the lapse in funding. *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and*

granted an indefinite extension of the waiver of the ACS accessibility rules with respect to the narrowly-defined class of "basic e-readers," the Bureau also required that the Coalition submit a report three years after the release date of the 2016 Order.[3] Per the requirements laid out in the 2016 Order, this report covers three main subject-matter areas related to basic e-readers:

1. The technological development, marketing, and consumer use trends of basic e-readers;
2. The continuing appropriateness of the class definition for basic e-readers for the purpose of excluding devices that include ACS as a primary or co-primary purpose; and,
3. The availability of reasonably priced alternatives for accessible ACS and reading access on portable devices.[4]

As will be discussed further below, the primary reasons the Bureau saw fit to grant an indefinite extension of the waiver of the ACS accessibility rules in 2016 continue to define the characteristics of basic e-readers today. This conclusion derives directly from the function of the

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Video Accessibility Act of 2010; *Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Coalition of E-Reader Manufacturers Motion for Extension of Time (filed Feb. 1, 2019). On February 7, 2019, the Bureau released an Order granting the Coalition's Motion for Extension of Time, and extended the deadline for filing the required report until March 5, 2019. *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, DA 19-54, Order (rel. Feb. 7, 2019).

[3] 2016 Order at 871-72, para. 31 (requiring a report on basic e-readers). The Coalition maintains that all e-readers are single-purpose devices, but uses the definition adopted by the Bureau of "basic e-reader" throughout this Report.

[4] *Id.*

particular purpose for which basic e-readers were developed originally. Specifically, as was the case in 2016 and before, in 2019 the exemption remains appropriate because the "narrow class of e-readers, while capable of accessing ACS, continues to be designed primarily for reading text-based digital works, not for ACS."[5]

II. THE TECHNOLOGICAL DEVELOPMENT, MARKETING, AND CONSUMER USE TRENDS FOR BASIC E-READERS REMAIN SIMILAR TO 2016

In the 2016 Order, based on a review of the technological development, marketing, and consumer use trends for basic e-readers, the Bureau determined that an indefinite extension of the waiver of the Commission's ACS accessibility rules was warranted. First, the Bureau noted that the key design features that lead the Bureau to determine that basic e-readers are not designed to access ACS, had remained constant.[6] The Bureau also reviewed marketing materials for basic e-readers and found that the devices lacked advertising and marketing about ACS.[7] Finally, the Bureau noted "negligible" ACS usage on these devices, which indicated that "ACS is not a primary or co-primary purpose of basic e-readers."[8] As discussed further below, a thorough review of basic e-readers reveals that these observations noted by the Bureau in 2016 continue to describe accurately and completely the characteristics of basic e-readers today.

A. *The Technological Features of Basic E-Readers Remain Similar to 2016 and Earlier.*

When the Bureau determined that an indefinite waiver extension was warranted, it carefully considered the various features of basic e-readers to determine whether they function as a class of devices separate and apart from tablets or other products that have a primary or co-

[5] *Id.* at 858, para. 1.

[6] *Id.* at 866, para. 19.

[7] *Id.* at 866-67, para. 20.

[8] *Id.* at 868, para. 21.

primary purpose of access to and utilization of ACS. Many of the features that the Bureau previously noted as reasons why basic e-readers are not designed for ACS continue to define these devices today. To illustrate, *basic e-readers continue to have "[1] relatively low refresh screen rates, [2] the absence of apps for integrated e-mail clients, [3] the inability… to display video for any purpose, including video conferencing, and [4] the lack of high-powered processors"* ─ those features, or lack thereof, described basic e-readers when the first waiver petition was filed in 2012, and those descriptions of basic e-readers remain true today.[9] These design choices remain constant for the simple reasons that those features are not what consumers want or expect from a basic e-reader since those features are not related to the purpose of the device: facilitating the reading of books and periodicals. Accordingly, the design choices reflected in the basic e-reader, both in terms of what is included and what is not included, are optimized to facilitate the primary function of reading books and periodicals.

The battery life and consumption patterns for basic e-readers have also stayed constant ─ which results in a battery life measured in days and weeks and not hours ─ since the 2016 Order because these features are designed to facilitate reading. In basic e-readers, battery usage and consumption primarily occurs when pages are turned. This increases the device's battery-life, and consumers highly value the long battery life associated with basic e-readers. These features render basic e-readers ill-suited for the significant use of features such as surfing the Internet. This is another intentional feature of basic e-readers: to maximize battery life for its primary purpose of reading. Marketing materials from Coalition members routinely describe the long battery life as a selling point for basic e-readers because this is an important feature used to

[9] *Id.* at 866, para. 19.

maximize the amount of time one is able to read on the devices without running out of charge.[10] The Bureau recognized this point when it stated "we are persuaded that the e-reader's design for a long-battery life – a principle [sic] feature marketed for and used on these devices – make these more suited for reading than for ACS."[11] This observation remains accurate today.

In terms of further enhancing the reading experience on these basic devices, Coalition members have continued to integrate dictionary and reference information into the books.[12] These reading features have even been enhanced in newer models of basic e-readers. For example, in Kindle, the X-Ray feature allows readers to see all of the passages across a book that mention relevant ideas, fictional characters, historical figures, places, or topics of interest, and the Word Wise feature enables short and simple definitions to automatically appear above difficult words.[13] These and other e-book features continue to optimize this class of devices for reading. Basic e-readers incorporate specific design choices made to optimize these devices for their intended purpose.

Due to the nature and purpose of basic e-readers, the technological development from an accessibility standpoint remains largely similar to the solutions available in 2016. Where

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[10] *See, e.g., Kobo Aura Edition 2*, https://us.kobobooks.com/collections/ereaders/products/kobo-aura (last visited Feb. 12, 2019) ("With a battery life of up to 2 months, read an entire eBook on a single charge and enjoy the freedom of leaving your charger behind."); *Kindle Oasis E-Reader*, https://www.amazon.com/All-New-Amazon-Kindle-Oasis-8GB-Grey/dp/B06XD5YCKX (last visited Feb. 12, 2019) (describing the battery life in terms of weeks as opposed to hours or minutes).

[11] 2016 Order at 866, para. 19.

[12] *See, e.g., Kobo Aura Edition 2*, https://us.kobobooks.com/collections/ereaders/products/kobo-aura (last visited Feb. 12, 2019).

[13] *See Meet the All-New Kindle Paperwhite—Thinner, Lighter, 2x the Storage, and Waterproof for Just $129*, Press Release, Oct. 6, 2018, https://press.aboutamazon.com/news-releases/news-release-details/meet-all-new-kindle-paperwhite-thinner-lighter-2x-storage-and (last visited Feb. 12, 2019).

innovation has been possible, coalition members have made improvements, but certain accessibility features are only practical or possible on alternative devices, such as tablets or phones. For example, Amazon's Kindle provides a variety of accessibility features. For users with disabilities, such as dyslexia, Amazon's device offers the ability to select the font, boldness level, page margin, line spacing, and orientation settings the user prefers.[14] For customers with low vision, the Kindle offers larger font size, bolder text, and extra line-spacing to make text easier to read.[15] These design elements recognize the important principle that persons with disabilities should be provided tools to access content and devices, and basic e-readers have taken steps to make the primary purpose of reading more accessible when technologically feasible.

Tablets, phones, and other devices used to access ACS as a primary or co-primary purpose have continued to make substantial progress with additional accessibility features, but these devices continue to serve very different functions from basic e-readers, such as watching videos, initiating video chats, and sending email and other messages. As explained above, any use of video such as for watching clips or initiating video calls is not possible on basic e-readers because of design choices, such as slow screen refresh rates and the absence of a camera—design choices that were made because these features are unnecessary to facilitate reading. However, many devices that do have either a primary or co-primary purpose associated with ACS, and an ancillary ability to support reading applications, have continued to develop and incorporate important accessibility features, including on other devices created by Coalition members.

[14] *See Accessibility for Kindle*, https://www.amazon.com/accessibility (last visited Feb. 12, 2019).

[15] *Id*.

Amazon has even been honored with the 2019 Helen Keller Achievement Award for its "culture of inclusion, resulting in the innovation of its products, services, and website, which has benefitted people of all abilities."[16] We will describe a sampling of these additional devices and improved accessibility features below when we discuss reasonably-priced, accessible alternatives to basic e-readers.

B. *Marketing of Basic E-Readers Continues to Emphasize Reading Functions and Not ACS Functions*.

Marketing of basic e-readers has consistently focused on the design features that make these devices specially suitable for reading purposes and has either de-emphasized or not mentioned the incidental ACS functionality. In the 2016 Order, the Bureau noted that "[b]oth the record in this proceeding and the Bureau's independent review of the manufacturer marketing materials for these devices support a finding that their primary purpose continues to be for reading, rather than for ACS."[17] A review of marketing materials since this time reveals that advertising still focuses on reading functionality and does not focus on the ancillary ability to access ACS.

For example, recent marketing materials for the Kobo Aura tout features such as "[t]he lightweight design [which] is comfortable to hold for hours of reading," and that "[j]ust like a

[16] *American Foundation for the Blind Announces 2019 Helen Keller Achievement Award Winners*, American Foundation for the Blind, http://www.afb.org/info/about-us/press-room/press-release-archive/american-foundation-for-the-blind-announces-2019-helen-keller-achievement-award-winners/1245 (last visited Mar. 1, 2019). The announcement specifically notes certain accessibility innovations, such as the fact that "the company has integrated its VoiceView screen reader into Kindle devices and Fire TV devices; integrated VoiceView with braille input and output support into the last several generations of Fire tablets; added ALT text and accessible math support to Kindle for PC and Fire OS; brought audio description to hundreds of Prime Video titles, including new Amazon Studios movies and TV shows; and pioneered voice interfaces with Alexa and the growing family of Echo devices." *Id.*

[17] 2016 Order at 867, para. 20.

printed page, you can read comfortably in direct sunlight without glare."[18] Similarly, the Kindle Oasis product page states in large bold lettering that "[i]t's not screen time—it's book time," and the marketing also explains that "[u]nlike tablets and phones, Kindle doesn't distract you with social media, emails, and text messages."[19] These materials continue to tout the reading functionality, and not ACS, because reading is the reason these basic e-readers were developed and why consumers purchase them.

C. *ACS Continues Not to be a Primary or Co-Primary Purpose of Basic E-Readers*.

As has been the case since the launch of basic e-readers, ACS on these devices continues only to be available through the basic e-reader browser. This browser allows users of these basic devices to complete reading-related functions, such as viewing hyperlinks in e-books and periodicals, as well as reviewing expanded dictionary and encyclopedia information. In fact, apart from the basic e-reader browser, *basic e-readers do not ship with any ACS functionality and do not come pre-installed with any sort of ACS applications.* In its 2014 Order, the Bureau noted that "[u]sing a browser to post information to a social media website (e.g., Facebook), look up information on the web, access Wi-Fi, or purchase or download an e-book is not evidence of ACS; nor does it support a finding that ACS is a primary or co-primary purpose of these

[18] *Kobo Aura Edition 2*, https://us.kobobooks.com/collections/ereaders/products/kobo-aura (last visited Feb. 12, 2019). *See also Kobo Clara HD*, https://us.kobobooks.com/collections/ereaders/products/kobo-clara-hd (last visited Feb. 12, 2019) (explaining that "[w]ith its superior, high-resolution 6" screen, Kobo Clara HD always helps you see clearly, offering a natural, print-like reading experience").

[19] *Kindle Oasis*, https://www.amazon.com/dp/B06XD5YCKX (last visited Feb. 12, 2019); *see also Kindle E-Reader*, https://www.amazon.com/gp/product/B00ZV9PXP2 (last visited Feb. 12, 2019) (explaining other ways in which the Kindle is not like a tablet or phone, stating "[n]o screen glare, even in bright sunlight, unlike tablets," and reiterating the point that "[b]y design, Kindle is purpose-built for reading and creates a sanctuary so you can lose yourself in a book. Unlike tablets and phones, Kindle doesn't distract you with social media, emails, and text messages.").

devices."[20] Today, there continues only to be incidental use of ACS, and these devices are not optimized for ACS functionality.

Not only has marketing of these devices demonstrated that ACS is not a primary or co-primary purpose of basic e-readers, but also, customers and reviewers of these devices have acknowledged that use of ACS is not the focus of basic e-readers as well. For example, one review of the Kindle from 2018 explained "[t]he Kindle is for reading, though. It has always been for reading. It's not about saying you're going to read and then starting to read something you stored in Pocket or Instapaper and then being interrupted by a tweet from the President and then falling down the deep dark well of the internet."[21] Consumers know that alternative devices exist for accessing ACS, if that is what they want to purchase.

Significantly, w*eb browsing continues to be only an incidental aspect of basic e-readers.* As reported in the prior waiver extension petition, web browsing remains a small amount of basic e-reader usage. One Coalition member compiled statistics related to recent usage trends for the browser in its basic e-readers, and the results indicate that owners of such devices are clearly not using them for the primary purpose of ACS. In a random sample of active basic e-

[20] *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Order, 29 FCC Rcd 674, 684-85, para. 17 (2014) ("2014 Order").

[21] *The New Kindle Isn't Innovative at all. That's a Good Thing*, Wired, https://www.wired.com/story/amazon-kindle-paperwhite-2018/ (last visited Feb. 19, 2019); *see also, e.g., Review: Kindle Paperwhite (2018)*, Wired, https://www.wired.com/review/review-kindle-paperwhite-2018/ (last visited Feb. 19, 2019) ("Amazon's Kindles aren't quite as innovative as other new consumer electronics. This is a good thing. A Kindle shouldn't have a Twitter app to distract you from the book you're reading, nor does it need Alexa to squawk at you after launching an Audible book.").

reader devices over a period of one week (June 10-16, 2018), only 1% used the browser at all during that period. Devices that accessed the browser during that week averaged 0.004 hours per active device over the course of that week. These statistics show that a significant majority of basic e-reader users never bother with the browser, and when they do, it is for an insubstantial amount of time. This sample also shows a decrease in percentage of overall browser access as compared to the one week sample provided to the Bureau in 2015. In the sample provided to the Bureau over a period of one week (July 13, 2015 – July 20, 2015), only 3% of users launched the browser *at all*, for any Purpose.[22] That the overall percentage of devices accessing the browser decreased from the already low 3% indicates users, in general, continue not to find a reason to make use of the browser.

These one-week case studies provide good insight into usage trends. However, over the course of a longer time period, if one examines the total time spent on the browser as a percentage of all time spent on the device, this paints an even clearer picture of how irrelevant the browser is to basic e-reader users. For one Coalition member, in the third quarter of 2018, *approximately 99.49% of total time spent on basic e-readers occurred outside of the browser application.* In the fourth quarter of 2018, that percentage increased to *approximately 99.54% of the total time spent on the devices occurring outside of the browser.* Such a negligible amount of browser usage remains consistent with the usage trends at the time of the Bureau's 2016 Order, which decided that an indefinite extension of the waiver was appropriate.

[22] *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Coalition of E-Reader Manufacturers' Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Coalition of E-Reader Manufacturers Petition for Extension of Waiver at 6 (filed Sept. 24, 2015).

All of these factors relevant in the Bureau's Order ─ the technological development, marketing, and consumer use trends ─ which established that basic e-readers were entitled to an indefinite extension of the waiver in 2016 still apply today. The reason is simple: basic e-readers serve a distinct function from other devices that have a primary or co-primary purpose of using ACS, and they are designed and used for that specific purpose.

III. THE CLASS DEFINITION FOR BASIC E-READERS CONTINUES TO APPROPRIATELY CLASSIFY BASIC E-READERS WHILE EXCLUDING DEVICES THAT INCLUDE ACS AS A PRIMARY OR CO-PRIMARY FUNCTION

The Consumer and Government Affairs Bureau was correct in its determination that basic e-readers are a distinct category of devices. Separate and apart from basic e-readers are other devices that may incorporate a reading application, but which are designed primarily or co-primarily for ACS.[23] Recent evidence demonstrates that these distinct classes of devices are not converging. In order to differentiate the class of basic e-readers, the Bureau carefully defined this class of devices to include:

> [A]ny mobile electronic device that is capable of accessing ACS, designed primarily for the purpose of reading text-based digital works, such as books and periodicals, and meets each of the following requirements:
>
> > (1) The device has no LCD screen, but rather utilizes a screen that is designed to optimize reading.
> >
> > (2) The device has no camera.
> >
> > (3) The device is not offered or shipped to consumers with built-in ACS client applications and the device manufacturer does not develop ACS applications for its respective device, but the device may be offered or shipped to consumers with a browser and social media applications.
> >
> > (4) The device is marketed to consumers as a reading device and promotional material about the device does not tout the capability to access ACS.[24]

[23] 2014 Order, 29 FCC Rcd at 685-686, para. 18.

[24] *Id.* at 683, para. 15.

This class definition adopted in the Bureau's 2014 Order continues to capture and enumerate the key differences between basic e-readers and devices designed with ACS as the focus. In discussing the technological features, the marketing, and the primary uses of basic e-readers above, this definition still identifies effectively, and is keyed to, the same class of devices as it always has been. *As demonstrated above, basic e-readers contain screens that continue to be optimized for reading, have no cameras, do not ship with built-in ACS applications apart from browsers or social media applications, and promotional materials do not tout the capability to access ACS.*

Basic e-readers continue only to make incidental use of ACS in the form of the basic e-reader browser to allow viewing hyperlinks in periodicals and e-books, looking up information in an online dictionary or encyclopedia, and logging into certain Wi-Fi networks. These functions that make use of the browser largely relate to facilitating reading on the device, and not independent use of the limited ACS capabilities.

The Bureau's definition effectively accounts for the situation in which a basic e-reader begins to incorporate ACS as a co-primary function. If a basic e-reader were to adopt key ACS features of tablets or other advanced devices, such that it converged with those devices, then the basic e-reader would become subject to the ACS accessibility rules. So, for example, if a basic e-reader were redesigned to incorporate a camera and allow for video conferencing, then this basic e-reader could become subject to the ACS accessibility rules. The fact that certain basic e-reader manufacturers also produce other devices, such as tablets used for ACS, further indicates that these are two separate classes of devices. The Bureau's definition acknowledges the fact that basic e-readers are a distinct class of devices, with their own consumer demand and expectations, and the definition's construction enables the Bureau to enforce the ACS

accessibility rules in the unlikely event that these basic devices become redesigned to incorporate ACS as a primary or co-primary purpose.

IV. CONSUMERS CAN PURCHASE A VARIETY OF REASONABLY-PRICED, ACCESSIBLE ALTERNATIVES TO BASIC E-READERS

Fully accessible ACS enabled devices, which offer additional functions as compared to basic e-readers, are available from a variety of manufactures, including at low price points. Coalition members have developed accessibility features for reading on a variety of alternative devices that enable people with disabilities to access content. In addition to low-cost, fully accessible tablets and smartphones, e-reading applications are available from a variety of providers at no additional cost.[25] Many consumers might already have one or more of these devices that can be used to access ACS, and can take advantage of these free reading applications as an affordable, accessible alternative to basic e-readers.

One example of a reasonably priced alternative is the Fire Tablet, which offers a number of accessibility features, and can be purchased for as little as $49.99.[26] These accessibility features include a number of different offerings, such as an integrated screen reader called VoiceView, which provides spoken feedback to describe the actions that take place on the screen and includes natural language text-to-speech voices.[27] Amazon Echo devices can help with accessibility by reading users' Kindle books to them out loud.[28] Amazon's Fire tablets, the

[25] One such app is the free Kindle app which is available on iOS, Android, Mac & PC. *See Get the free Kindle app*, https://www.amazon.com/kindle-dbs/fd/kcp (last visited Feb. 19, 2019).

[26] *Accessibility for Fire*, www.amazon.com/accessibility (last visited Feb. 12, 2019).

[27] *Id.* The Fire Tablet fully integrates this functionality without an additional device being necessary.

[28] *Using Accessibility Features on Echo Devices with a Screen*, https://www.amazon.com/gp/help/customer/display.html?nodeId=202158200 (last visited Feb. 26, 2019).

Kindle app for iOS and Android, and the Kindle for PC app even enable users to read with refreshable braille displays by connecting them to the device via Bluetooth.[29] This compatibility is not available on the basic e-readers because they are not advanced enough to handle the technical requirements, but importantly they are available on inexpensive alternative devices such as the Fire Tablet, and are even available in the free application version of Kindle for either iOS or Android devices. This means that many consumers will be able to benefit from advanced accessibility features without even purchasing an additional device.

Accessibility features such as these are only possible because of certain internal components, such as faster processors, that are standard in many smartphones and tablets. Some of this technology is not available, and would not make sense to include in, basic e-readers. To incorporate these features would fundamentally alter basic e-readers because smartphones and tablets are typically designed to facilitate ACS as a primary or co-primary purpose, and accordingly need different components than their basic e-reader counterparts to accomplish these functions effectively. Coalition members continue to design improved accessibility features in these alternatives to basic e-readers, and the nature of these devices allows for the inclusion of features that would not be possible in basic e-readers.

[29] *Accessibility for Fire*, www.amazon.com/accessibility (last visited Feb. 12, 2019).

V. CONCLUSION

The Coalition welcomes this opportunity to update the Bureau on how basic e-readers have developed since 2016. As explained, the trend of two separate categories of devices (a category of basic e-readers and a category of devices used to access ACS as a primary or co-primary purpose) continues to be the reality today. Convergence of the basic e-readers and more sophisticated devices used to access ACS has not occurred, and even if convergence were to occur for a particular device, the Bureau's careful class definition ensures devices that use ACS as a primary or co-primary purpose are required to follow the Commission's ACS accessibility rules.

As has been the case since the Coalition submitted its initial petition for waiver of the ACS accessibility rules, we expect not to see changes to the primary or co-primary purposes of basic e-readers. There are myriad other devices consumers can purchase to access and utilize ACS functionality. Those consumers understand that such features are not optimized for, and are largely absent from, basic e-readers.[30] Although basic e-readers may continue to advance certain design elements and accessibility features, none of those changes will incorporate ACS as a co-primary function because that is not the purpose for which they are used. And, as explained above, the Bureau's thoughtful definition already provides for the situation in which a basic e-reader does in fact take on ACS as a co-primary function. In such a case, the device would no longer properly fit within the class of basic e-readers, and would be subject to the ACS rules.

[30] *See, e.g., The Best Thing I Bought This Year Was an Amazon Kindle Paperwhite*, The Strategist, http://nymag.com/strategist/article/kindle-paperwhite-review.html (last visited Feb. 19, 2019) ("Ultimately, I can do one of two things on my Kindle Paperwhite — read a book or buy a new book to read — and the experience of doing so is easy and pleasant.").

This enables the Commission and Bureau to regulate the different classes of devices appropriately, and in accordance with the devices' primary and co-primary purposes.

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